

2 SHB 2099 - S COMM AMD

3 By Committee on Environmental Quality & Water Resources

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 90.14.140 and 1998 c 258 s 1 are each amended to read
8 as follows:

9 (1) For the purposes of RCW 90.14.130 through 90.14.180,
10 "sufficient cause" shall be defined as the nonuse of all or a portion
11 of the water by the owner of a water right for a period of five or more
12 consecutive years where such nonuse occurs as a result of:

13 (a) Drought, or other unavailability of water;

14 (b) Active service in the armed forces of the United States during
15 military crisis;

16 (c) Nonvoluntary service in the armed forces of the United States;

17 (d) The operation of legal proceedings;

18 (e) Federal or state agency leases of or options to purchase lands
19 or water rights which preclude or reduce the use of the right by the
20 owner of the water right;

21 (f) Federal laws imposing land or water use restrictions either
22 directly or through the voluntary enrollment of a landowner in a
23 federal program implementing those laws, or acreage limitations, or
24 production quotas.

25 (2) Notwithstanding any other provisions of RCW 90.14.130 through
26 90.14.180, there shall be no relinquishment of any water right:

27 (a) If such right is claimed for power development purposes under
28 chapter 90.16 RCW and annual license fees are paid in accordance with
29 chapter 90.16 RCW;

30 (b) If such right is used for a standby or reserve water supply to
31 be used in time of drought or other low flow period so long as
32 withdrawal or diversion facilities are maintained in good operating
33 condition for the use of such reserve or standby water supply;

34 (c) If such right is claimed for a determined future development to
35 take place either within fifteen years of July 1, 1967, or the most
36 recent beneficial use of the water right, whichever date is later;

1 (d) If such right is claimed for municipal water supply purposes
2 under chapter 90.03 RCW;

3 (e) If such waters are not subject to appropriation under the
4 applicable provisions of RCW 90.40.030; (~~or~~)

5 (f) If such right or portion of the right is leased to another
6 person for use on land other than the land to which the right is
7 appurtenant as long as the lessee makes beneficial use of the right in
8 accordance with this chapter and a transfer or change of the right has
9 been approved by the department in accordance with RCW 90.03.380,
10 90.03.383, 90.03.390, or 90.44.100; or

11 (g) If such right has been excused by the superior court from being
12 exercised during the pendency of the proceeding for the determination
13 of the surface water rights of the Yakima river basin, retroactive to
14 the commencement of that proceeding on October 12, 1977."

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18 On page 1, line 3 of the title, after "proceedings;" strike the
19 remainder of the title and insert "and amending RCW 90.14.140."

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